

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

TERRY SHERIDAN,)	
)	
Plaintiff,)	No. 3:16-cv-0215
)	Senior Judge Nixon
v.)	Magistrate Judge Brown
)	Jury Demand
DIVERSIFIED CONSULTANTS, INC.,)	
)	
Defendant.)	

To: The Honorable John T. Nixon, Senior United States District Judge.

REPORT AND RECOMMENDATION

The Defendant filed a motion to dismiss on April 13, 2016. (Docket Entry 14). During a telephone conference with the parties on June 2, 2016, the Plaintiff was granted leave to file an amended complaint. (Docket Entry 36, p. 1). The undersigned explained that “[i]n the event the Plaintiff does amend his complaint the Magistrate Judge normally considers the pending motion to dismiss to be moot and the Defendant should file a new motion to dismiss, or for summary judgment” (Docket Entry 36, p. 2).

As the Plaintiff has filed an amended complaint (Docket Entry 39),¹ the undersigned **RECOMMENDS** that the Defendant’s pending motion to dismiss (Docket Entry 14) be **TERMINATED AS MOOT** without prejudice to filing a motion for judgment on the pleadings.

Under Rule 72(b) of the Federal Rules of Civil Procedure, the parties have fourteen days, after being served with a copy of this Report and Recommendation to serve and file written objections to the findings and recommendation proposed herein. A party shall respond to the

¹ The Plaintiff is advised that, aside from page numbers, submissions to the Court should have a blank one-inch margin on each side of the page. The footer at the bottom of the Plaintiff’s amended complaint, “Verified Complaint For Damages,” interferes with the Court’s automated page numbering system and makes the document difficult to read.

objecting party's objections to this Report and Recommendation within fourteen days after being served with a copy thereof. Failure to file specific objections within fourteen days of receipt of this Report and Recommendation may constitute a waiver of further appeal. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 155 (1985).

ENTERED this 5th day of July, 2016.

s/ Joe B. Brown
Joe B. Brown
U.S. Magistrate Judge